

REMARKS

Claims 1-29 remain pending in the present application. In view of the following remark, Assignee respectfully requests allowance of these claims.

I. Interview Summary

Assignee would like to thank the Examiner for granting an interview on February 8, 2007. Present at this interview for the Assignee were Dr. Amit Sinha, Chief Technology Officer of AirDefense, Inc., and Troy A. Van Aacken, representative for the Assignee. During this interview, Assignee attempted to clarify the application and scope of the claim for the Examiner. Assignee also noted numerous distinctions between the cited references and the current claims, such as the dynamic identification of sensor devices. No agreement was reached.

I. Claims 1-29 are not obvious in view of Rockwell and Bentley

Claims 1-29 presently stand rejected under 35 U.S.C. § 103(a) as being obvious over Rockwell et. al. (U.S. Patent Publ. No. 2003/0027550) in view of Bentley (U.S. Patent No. 6,934,298). For a combination of references to render a claim unpatentable, each claim limitation must be disclosed by the combination of references.

a. Claim 1

Claim 1 is not obvious in view of Rockwell and Bentley. In combination with other limitations, claim 1 includes the limitations “dynamically identifying a plurality of wireless network sensors in a selected network region,” and “selecting for each of the wireless network sensors in the plurality a designation of primary or secondary with respect to the selected network region.” In contrast to claim 1, neither Rockwell nor Bentley disclose dynamically

identifying wireless sensors in a network region nor do they produce distributed intelligence for wireless intrusion detection as implicated by primary and secondary sensors.

The Office Action asserts that Rockwell discloses “dynamically identify[ing] problematic situations.” Problematic situations do not disclose wireless sensors. A wireless sensor is a hardware device that is placed to monitor wireless activity in an area. Problematic situations are merely certain types of activity on the network. Certainly it would be understood that the detection of certain types of activity does not disclose the dynamic identification of any hardware device, much less wireless sensors. Further, the present claim has nothing to do with identifying problematic situations. The present claim is directed to the setup of a wireless monitoring system for a selected network region.

Moreover, Rockwell discloses that the system is for use on an airplane. As one ordinarily skilled in the art would understand, wireless coverage for an airplane would not require more than a single wireless access point. Thus, even assuming *arguendo* that an access point discloses a wireless sensor, Rockwell inherently only discloses at most a single access point. Thus, Rockwell cannot possibly disclose dynamic identifying a plurality of wireless sensors because there would be only a single access point. Assignee respectfully notes that it would be illogical to “dynamically identify” only a single access point. The fact that there is only a single access point means that dynamic identification is wholly unnecessary.

Moreover, with regard to the Bentley reference “secondary sensors” are not equivalent to the “backup access points” disclosed in Bentley. The secondary access points recited in claim 1

operate to collect network traffic even when those access points are designated as secondary for a portion of the selected network region.

Bentley in particular discloses providing a backup access point in case of failure of a primary access point (redundancy for the sake of network robustness). More specifically, Bentley is directed to a method for providing a backup access point which is in standby mode and which becomes active **only** upon sensing that an active access point has failed. In contrast, the access points of claim are used secondarily for data collection. Thus, these wireless sensors of claim 1 may be fully operational to transmit network data even though some may be designated secondary for purposes of data collection for the collection agent. One of ordinary skill in the art would understand that the terms backup and secondary, as used in this context are NOT synonymous.

Assignee reiterates its traverse of the combination of the Rockwell and Bentley references. Rockwell is only tangentially related to wireless applications in that it provides wireless access to airplane passengers. However, the primary disclosure of Bentley concerns providing network security an airplane network (and because of the remoteness of this roaming network, for all practical purposes, it is a wired network security solution as opposed to a wireless network security solution). Bentley, on the other hand, is entirely related to providing backup wireless network components in case of failure of the active wireless network components. There is absolutely no security aspect to the backup and primary designation of these access points. Moreover, the Office Action has provided no reasonable motivation to combine these references. Rockwell makes no disclosure that a backup network components

would even be desirable. Assignee respectfully asserts that such a combination is unwarranted by the disclosures of these references themselves.

For any of the above cited reasons, Assignee respectfully asserts that this rejection should be withdrawn.

b. Claims 2-23

Because independent claim 1 is allowable over the cited references, claims 2-23 (which depend from claim 1) are allowable for the reason that these claims include all of the limitations of claim 1. Moreover, each of these claims include further features that upon examination would immediately highlight the distinctions between these claims and the cited references. Thus, Assignee respectfully asserts that these claims are in condition for allowance.

c. Claim 24

Claim 24 is not obvious in view of Rockwell and Bentley. In combination with other limitations, claim 24 includes the limitations "dynamically identifying a plurality of wireless network sensors in a selected network region," "selecting for each of the wireless network sensors in the plurality a designation of primary or secondary with respect to the selected network region," and "receiving scan data for the selected network region at the collection agent from the plurality of wireless network sensors in the selected network region, wherein the received scan data is derived at least in part from data monitored by a wireless network sensor with a primary designation for that network region." In contrast to claim 1, neither Rockwell nor Bentley disclose dynamically identifying wireless sensors in a network region nor do they

produce distributed intelligence for wireless intrusion protection as implicated by the assignment of primary and secondary sensors and the receipt scan data from the plurality of wireless sensors.

The Office Action asserts that Rockwell discloses “dynamically identify[ing] problematic situations.” Problematic situations do not disclose wireless sensors. A wireless sensor is a hardware device that is placed to monitor wireless activity in an area. Problematic situations are merely certain types of activity on the network. Certainly it would be understood that the detection of certain types of activity does not disclose the dynamic identification of any hardware device, much less wireless sensors. Further, the present claim has nothing to do with identifying problematic situations. The present claim is directed to the setup of a wireless monitoring system for a selected network region.

Moreover, Rockwell discloses that the system is for use on an airplane. As one ordinarily skilled in the art would understand, wireless coverage for an airplane would not require more than a single wireless access point. Thus, even assuming *arguendo* that an access point discloses a wireless sensor, Rockwell inherently only discloses at most a single access point. Thus, Rockwell cannot possibly disclose dynamic identifying a plurality of wireless sensors because there would be only a single access point. Assignee respectfully notes that it would be illogical to “dynamically identify” only a single access point. The fact that there is only a single access point means that dynamic identification is wholly unnecessary.

Moreover, with regard to the Bentley reference “secondary sensors” are not equivalent to the “backup access points” disclosed in Bentley. The secondary access points recited in claim 24

operate to collect network traffic even when those access points are designated as secondary for a portion of the selected network region.

Bentley in particular discloses providing a backup access point in case of failure of a primary access point (redundancy for the sake of network robustness). More specifically, Bentley is directed to a method for providing a backup access point which is in standby mode and which becomes active only upon sensing that an active access point has failed. In contrast, the access points of claim are used secondarily for data collection. Thus, these wireless sensors of claim 1 may be fully operational to transmit network data even though some may be designated secondary for purposes of data collection for the collection agent. One of ordinary skill in the art would understand that the terms backup and secondary, as used in this context are NOT synonymous.

Assignee again reiterates its traverse of the combination of the Rockwell and Bentley references. Rockwell is only tangentially related to wireless applications in that it provides wireless access to airplane passengers. However, the primary disclosure of Bentley concerns providing network security an airplane network (and because of the remoteness of this roaming network, for all practical purposes, it is a wired network security solution as opposed to a wireless network security solution). Bentley, on the other hand, is entirely related to providing backup wireless network components in case of failure of the active wireless network components. There is absolutely no security aspect to the backup and primary designation of these access points. Moreover, the Office Action has provided no reasonable motivation to combine these references. Rockwell makes no disclosure that a backup network components

would even be desirable. Assignee respectfully asserts that such a combination is unwarranted by the disclosures of these references themselves.

For any of the above cited reasons, Assignee respectfully asserts that this rejection should be withdrawn.

d. Claim 25

Claim 25 is not obvious in view of Rockwell and Bentley. Assignee respectfully notes that this is a means plus function claim. It should be understood that means plus function claims must be construed in light of the structure disclosed by the specification. Assignee respectfully asserts that there appears to have been no effort to construe claim 25 in view of the structure disclosed by the specification. In light of the structure disclosed by the specification, it is clear that both Rockwell and Bentley are wholly inapplicable to the present claim. Assignee therefore respectfully asserts that this claim should be withdrawn.

e. Claim 26

Claim 26 is not obvious in view of Rockwell and Bentley. In combination with other limitations, claim 26 includes the limitations that the system processor include "processing elements programmed or adapted to: broadcast a message to the plurality of wireless network sensors via the communication interface;...receive acknowledgments from the plurality wireless network sensors;...determine whether each wireless network sensor in the plurality is within the selected network region." In contrast to claim 26, neither Rockwell nor Bentley disclose identifying wireless sensors in a network region from a centralized management location.

Rockwell is directed to a security manager for an airplane cabin wherein the access points for passengers aboard the plane can be wireless access points. Assignee respectfully asserts that there is nothing within the text of Rockwell that discloses that the system performs dynamic identification of wireless sensors. In fact, the relatively small and secured nature of an airplane apart from any disclosure otherwise, inherently only discloses a single access point. As such, even if one were to assume that an access point discloses a wireless sensor, Rockwell clearly teaches away from the present system, because there is no need in Rockwell for dynamic identification of access points. In other words, it would be illogical to talk about dynamic identification of a single access point (because a single access point does not require dynamic identification).

Moreover, the controlled and confined nature of an airplane cabin as disclosed by Rockwell typically indicates that there would be no need for the backup wireless access points of Bentley. Thus, Assignee respectfully asserts that this reference teaches away from providing primary and secondary access points because of the confined nature of the contemplated network.

Bentley is directed to a method for providing a standby access point which becomes active only upon sensing that an active access point has failed. However, Assignee respectfully asserts that there is nothing within claim 26 that refers to the secondary access point being an "inactive" access point only used during failure of the primary access point. In contrast, these access points are used secondarily for data collection. Thus, these access points of claim 26 may be fully operational to transmit network data even though some may be designated secondary for

purposes of data collection for the collection agent. Thus, Assignee is unclear what application Bentley has to the current claims. Bentley does not mention data collection, nor does it mention wireless security. There is nothing within claim 26 which indicates that the secondary sensing device is only operable upon the primary sensor failing, as disclosed by Bentley.

Applicant respectfully questions the motivation to combine Rockwell with Bentley. Rockwell is only remotely related to wireless applications in that it would like to be able to provide wireless access to airplane passengers (presumably to avoid the cost associated with a wired distribution system), however, it is primarily concerned with providing network security to other passengers (and because of the remoteness of this roaming network, for all practical purposes, it is a wired network security solution as opposed to a wireless network security solution). Bentley, on the other hand, is entirely related to providing redundant backup wireless network components in case of failure of the active wireless network components, thereby providing a robust wireless network. However, there is no security aspect to the primary and secondary designation of these access points in Bentley. Furthermore, Bentley is a completely distributed system whereby each access point determines whether it is active or inactive, whereas the system of claim 26 is a centralized monitoring and management system as should be immediately recognized from the terms of the claim itself. Moreover, the Office Action has provided no reasonable motivation to combine these references, such as the unreliability of an airborne wireless access point. And, Rockwell makes no disclosure that a backup network components would even be desirable. Assignee respectfully asserts that such a combination is unwarranted by the disclosures of these references themselves.

f. Claims 27-29


Because independent claim 26 is allowable over the cited references, claims 27-29 (which depend from claim 26) are allowable for the reason that they include all of the limitations of claim 26. Furthermore, Assignee respectfully asserts that there are other reasons why these claims are allowable that should be immediately apparent upon examination. Thus, Assignee respectfully asserts that these claims are in condition for allowance.

CONCLUSION

With this response, Assignee respectfully requests immediate allowance of pending claims. Please apply any charges for excess claim fees, \$510 for the Petition for Extension of Time fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 2, 2007



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